

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 20, 2018, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker (arrived at 7:09 p.m.) and Councilmembers Mike Green, Tasha Lowery, Alan Summerhays, Marsha Vawdrey, and Michele Weeks

STAFF PRESENT: David Dobbins, City Manager; Mike Barker, City Attorney; Rachelle Conner, City Recorder; Hazel Dunsmore, Human Resource Director; John Eining, Police Chief; Russ Fox, Assistant City Manager; Rhett Ogden, Recreation Director; Clint Smith, Fire Chief, Glade Robbins, Public Works Director; and Bob Wylie, Finance Director

Dinner

Study Meeting

1.0 Discussion: Fiscal Year 2018-19 Budget

1.1 Bob Wylie, Finance Director, explained the Certified Tax Rate for the Councilmembers and compared Draper's property tax revenue with the revenue of various cities. Draper's tax rate is lower than many of the surrounding communities.

2.0 Discussion: Police Staffing/Pay Plan Proposal

2.1 John Eining, Police Chief, explained Draper, as well as many other cities, is having a hard time retaining the seasoned police officers due to other cities offering higher pay and other incentives. He presented a proposal which would provide an option for lateral transfer in terms of service years in order for Draper to be more competitive with the other agencies. He also recommended the City not replace the Deputy Chief position at this time and instead create two new Lieutenant positions, which would allow upward movement for the officers and give more incentive for the officers to stay their whole careers in Draper. The cost for the two proposals moving forward would be approximately \$250,000.

3.0 Discussion: East Jordan Canal/Corner Canyon Creek Trail

3.1 Rhett Ogden, Parks and Recreation Director, indicated the City has received a grant to help pay for the construction of the East Jordan Canal/Corner Canyon Creek Trail. The City needs to enter into an agreement in order to receive the funding and start the project. Staff is proposing to do the project in two different phases. The first phase would not include the trail section that would go behind the homes in the Bellevue neighborhood, but would include the enhanced crossing. The City Council was in favor of moving forward with the proposal. There will be an opportunity for the public to make comment at a public hearing prior to construction. The majority of the City Council was not in favor of moving forward with Phase 2 at this time.

4.0 Adjourn to a Closed-Door Meeting to Discuss Litigation

4.1 Councilmember Summerhays moved to adjourn to a Closed-Door Meeting to discuss litigation pursuant to Section 52-4-204 of the Utah State Code Annotated. Councilmember Green seconded the motion.

4.2 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

4.3 The Closed-Door Meeting began at 6:38 p.m. and adjourned at 6:49 p.m.

Business Meeting

7:01:27 PM

1.0 Call to Order: Mayor Pro Tem Marsha Vawdrey

7:02:30 PM

2.0 Flag Ceremony and Girl Scout Motto

7:03:00 PM

2.1 Girl Scout Troop #372 presented the flag ceremony.

7:03:09 PM

3.0 Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items not listed on this or a future agenda and limited to three minutes per person. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

7:03:30 PM

3.1 No one came forward to speak.

7:03:36 PM

4.0 Consent Items

- a. Approval of February 6, 2018, City Council Meeting Minutes**
- b. Approval of Edelweiss Phases 4a and 4b Final Plat Extension Request**, on the request of Nate Shipp representing MREC DAI, LLC for a one-time three-month extension of the final plats for phases 4a and 4b of the Edelweiss subdivision. Staff report by Dan Boles.
- c. Approval of Resolution #18-17, Supporting Application for an Inter-facility Ambulance License.** Staff: Clint Smith

7:04:24 PM

- 4.1 Councilmember Weeks moved to approve the Consent Items. Councilmember Summerhays seconded the motion.

7:04:38 PM

- 4.2 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

7:04:47 PM

- 5.0 **Public Hearing: Ordinance #1308 and 1309, Rockwell Park Land Use Amendment and Rezone, Request by Ryan Simmons of the Boyer Company to change the land use plan from Community/Neighborhood Commercial to Residential High Density and to change the zoning from CC (Community Commercial) to RM2 (Residential High Density) on approximately 5.8 acres located generally at approximately 258 East 13800 South**

7:05:27 PM

- 5.1 Maryann Pickering, Planner, said the Planning Commission forwarded a unanimous positive recommendation to the Council with the condition the applicant enter into a development agreement. This agreement would limit the buildings to single family residences, have driveways that are at least 20 feet long, and streets that were wide enough to allow parking on one side. The applicant was willing to enter into the agreement but it has not been finalized. Staff recommended holding a public hearing on a rezone and land use change then consider entering into a development agreement with the applicant.

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- 5.2 Councilmember Weeks asked how many homes per acre the applicant was requesting. Ms. Pickering said they were asking for 12 units per acre but the Planning Commission was recommending eight units per acre.

7:08:46 PM

- 5.3 Ryan Simmons, Boyer Company, said the plat allows more units than what they were asking for at this time. The goal was to find the best use of the land for the property to act as a buffer between residential and commercial. He stated they would make the property accessible and with sufficient parking. He said they were open to any ideas and they would answer any questions.

** *Mayor Walker arrived at the meeting at 7:09 p.m.*

7:12:21 PM

- 5.4 Councilmember Green asked if there would be sidewalks on both sides of the street. Mr. Simmons answered affirmatively. Councilmember Green asked how many units they would build, and Mr. Simmons said there would be 48.

7:12:46 PM

5.5 Councilmember Summerhays asked about the width of the roads. Mr. Simmons said the roads would be close to 40 feet wide so cars can park on both sides of the street. Councilmember Summerhays asked if the driveways would be larger in length and width. Mr. Simmons said yes on both accounts and noted the driveways would be a minimum of 20 feet long.

7:15:00 PM

5.6 Councilmember Green said he was concerned about losing this commercial space to residential. Mr. Simmons said they were a commercial developer first. The subject property is offset from Bangerter Parkway so retail spaces would not be viable. They could possibly put in office spaces but they would be out of place. Councilmember Green asked about the estimated cost of the homes. Mr. Simmons said he was uncertain but they would be accessible to first and second time home buyers.

7:16:42 PM

5.7 Councilmember Weeks identified a building on the aerial map and asked if the subject property was zoned for affordable housing. Mr. Simmons answered in the affirmative. Councilmember Weeks said the zone was changed from affordable housing to commercial, and now to residential high density.

Russ Fox, Assistant City Manager, said the building that was built was intended as a mixed use project. He said when the market went down the project went bankrupt at which time the affordable housing picked it up. Councilmember Weeks said this is how the zoning came to only allow the 12 units per acre. She asked about the access to the road. Mr. Simmons said there were two access points, one from Bangerter Highway and the other through the apartment complex to the north. He said staff and the fire department asked them to find another access point but they have not settled on a location yet.

7:20:36 PM

5.8 Councilmember Vawdrey asked if they would have access to Wheadon Park through a trail. Mr. Simmons answered in the affirmative.

7:21:09 PM

5.9 Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.

7:21:32 PM

5.10 Councilmember Summerhays said he was in favor of a density of eight units per acre and larger driveways. He said there was not a part of the agreement he did not like.

7:22:17 PM

5.11 Councilmember Weeks moved to continue this item to allow for the review of the development agreement and to have another public hearing. The motion failed for the lack of a second.

7:23:19 PM

5.12 Councilmember Weeks moved to continue this item to the next City Council meeting following the review of the development agreement. Councilmember Vawdrey seconded the motion.

7:24:03 PM

5.13 Mr. Simmons said they would like to keep the continuance period as short as possible.

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5.14 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

7:24:51 PM

6.0 **Public Hearing: Palomino Point Zoning Map Amendment, Request for Approval of a Zoning Map Amendment on Behalf of Ryan Button, Representing Property Ventures Draper, LLC, for a Rezone from RA1 to R3 on 3.8 Acres of Property Located Generally at 251 East Carlquist Drive**

7:25:19 PM

6.1 Jennifer Jastremsky, Planner, said this would be an extension to the existing subdivisions in the area. She said the majority of the surrounding properties were in the R3 zone. This request would correct a plot that was outside the R3 zone to put all these lots in the same zoning district. She said staff and the Planning Commission were recommending approval.

7:27:10 PM

6.2 Ryan Button, applicant, said he was available to answer any questions.

7:27:28 PM

6.3 Councilmember Summerhays said he would like to hear from the original owner of the property. He said some of the proposal did not make sense to him. Mr. Button said when they bought the property it was in poor condition. He has worked with the Army Corps of Engineers to improve the property. On the west boundary line, improvements were put in to prevent flooding. The National Guard and the City rebuilt the roads and utilities surrounding the subject property, which caused the water tables to go down. Councilmember Summerhays asked where they laid pipe. Mr. Button said the water is pumped into the pond. Councilmember Summerhays said the ditch on the west boundary was put in to irrigate an old hay field. He described the area and who owned the surrounding properties. He said to drain the field a lot of pipes were laid deep into the field, which created an area known as Brown's Pond. He was concerned that it was still an issue for flooding. Mr. Button said that the Army Corps of Engineers determined that the land was now dry.

7:37:12 PM

6.4 Councilmember Weeks asked if the water table allowed for basements. Mr. Button answered affirmatively and said they had a Geotechnical expert test the water tables. The Army Corps of Engineers has also done testing to examine the water table in the area.

Councilmember Weeks said she was concerned about run off and flooding. Mr. Barker said they would address those details later; tonight's discussion was only addressing the rezoning.

7:39:28 PM

6.5 Councilmember Lowery asked what would happen to the animals on the property. Mr. Button said they would not stay and noted that most of them had already been sold.

Councilmember Summerhays said he was skeptical about the water table test results. Mr. Button said he would give them the report from the water table test and said they could come see that the field had changed.

7:42:08 PM

6.6 Mayor Walker opened the public hearing.

7:42:44 PM

6.7 Ron Smith, resident, discussed his relation to the property and his concerns. He indicated that he was available to answer any questions.

7:46:16 PM

6.8 Mayor Walker closed the public hearing.

7:46:20 PM

6.9 Councilmember Green moved to approve the Palomino Point Zoning Map Amendment. Councilmember Lowery seconded the motion.

7:46:34 PM

6.10 Councilmember Summerhays said he would like to see the reports on the water table before they finalize the development.

7:47:28 PM

6.11 Councilmember Vawdrey said she understood the concern about water tables, but the applicant already went through a rigorous geotechnical study of the property.

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6.12 A roll call vote was taken with Councilmembers Green, Lowery, Vawdrey, and Weeks voting in favor. Councilmember Summerhays voted no. The motion carried with a majority vote of 4 to 1.

7:48:20 PM

7.0 Public Hearing: Ordinance #1311, Request for Approval of a Text Amendment by Ryan Simmons, Representing The Boyer Company, to Amend the 136 Center Commercial Special District to all Multi-Family Residential Uses

7:48:42 PM

7.1 Ms. Jastremsky explained the subject property was off Bangerter Highway and I-15. She said the developer has completed an office building and a hotel is coming soon. The property has split land use designations of business, light manufacturing, and community commercial. The text amendment will add a piece of property into the concept plan. It will also allow for multi-family housing at 36 units per acre up to six stories high. She detailed the requirements of the buildings. The developer was requesting a reduced amount of parking from the standard code. The other concept plan that was already in the code would stay, and it includes office buildings and a parking garage. The Planning Commission forwarded a recommendation of approval; however, staff did not have a recommendation at this time.

7:52:22 PM

7.2 Councilmember Vawdrey asked Ms. Jastremsky where the proposed building would be built; Ms. Jastremsky subsequently identified the site on an aerial map of the subject property. Councilmember Vawdrey asked to see the changes of the proposal. Ms. Jastremsky said this information could be reviewed in the staff report.

7:54:24 PM

7.3 Councilmember Weeks asked what the developer wanted to integrate on the bottom of the residential units. Ms. Jastremsky said the buildings would be mixed use.

7:55:20 PM

7.4 Ryan Simmons, applicant, said he was available to answer any questions.

7:55:38 PM

7.5 Councilmember Green asked why they would remove commercial space for residential. Mr. Simmons explained that the traffic has made it difficult to access the commercial spaces; therefore, residential development was more viable. In their market research, they have discovered that mixed uses are better for communities. Other cities are implementing mixed use land zoning as well.

8:00:00 PM

7.6 Councilmember Summerhays said they could not develop retail in this area. He has noticed that many retail businesses were closing. He said he thought that putting in a hotel was a great idea and would benefit the City. He stated that he was not sure about the amount of units they wanted to build on such a small piece of land. Mr. Simmons said they were not necessarily asking for that amount of units; rather, they were asking for flexibility.

8:01:32 PM

7.7 Councilmember Vawdrey said this was approved previously as a commercial special district. This concept plan shows the developer wanting to make it residential. She understood that was not necessarily their intent but this was the Council's concern. Mr. Simmons said they would be willing to give them a better idea of their plans. He said they were asking for the flexibility to include multi-family units into the concept plan.

8:03:02 PM

7.8 Councilmember Weeks said she thought there was more need for commercial spaces in that area. Mr. Simmons said putting in retail shops would not be convenient for the existing residential units.

Councilmember Green said he was concerned about the long term and this concept would only address the short term problems. Mr. Simmons said the access to the area will always be poor; however, when the prison is moved, the area may improve. Their goal was to have the option to study whether or not multi-family housing was appropriate for the area.

Councilmember Weeks asked what area would be affected by the text amendment. Mr. Simmons said only the 25 acres shown on the map.

8:07:34 PM

7.9 **Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**

8:07:56 PM

7.10 **Councilmember Weeks moved to deny Ordinance #1311, 136 Center Commercial Special District text amendments. Councilmember Green seconded the motion.**

8:10:15 PM

7.11 **A roll call vote was taken with Councilmembers Green, Lowery, Vawdrey, and Weeks voting in favor. Councilmember Summerhays vote no. The motion carried with a majority vote of 4 to 1.**

8:10:30 PM

8.0 **Public Hearing: Resolution #18-14, Amending the FY2018 General Fund Budget**

8:10:43PM

8.1 Mr. Wylie said there were several budget items to present in the following areas: historic preservation, Police Department staffing, Police Department step adjustments, and the staffing chart. He gave a brief overview of each item.

8:13:03 PM

8.2 Councilmember Summerhays asked whether the City Council gave the Public Works Department a step program and whether the other departments would want the program. Mr. Wylie said they have not received requests from any other departments for such a program.

8:15:26 PM

8.3 **Mayor Walker opened the public hearing. No one came forward to speak, so Mayor Walker closed the public hearing.**

8:15:52 PM

8.4 Councilmember Green moved to approve Resolution #18-14, amending FY2018 Budget. Councilmember Weeks seconded the motion.

8:16:12 PM

8.5 Councilmember Weeks said she was thankful to the Chief and the Police Department for their efforts, and hoped this step program will improve morale.

8:16:24 PM

8.6 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

8:16:35 PM

9.0 Action Item: Ordinance #1306, Amending Section 7-10-055 of the Draper City Municipal Code Pertaining to the Requirement of Key Lock Box Installation

8:16:51 PM

9.1 Clint Smith, Fire Chief, said the ordinance would be a part of fire prevention. Commercial businesses would be required to have the lock boxes to save the Fire Department time when breaking into businesses after work hours.

8:18:24 PM

9.2 Councilmember Vawdrey asked how much this would cost businesses. Chief Smith said they would cost \$375 and would last forever unless there was damage.

Councilmember Summerhays said this ordinance could be a strain on smaller businesses. He did not want to have the government to continue to implement more ordinances that cost businesses progressively more money. Chief Smith said they did not foresee any additional ordinances from the Fire Department in the future.

8:23:20 PM

9.3 Councilmember Weeks moved to approve Ordinance #1306. Councilmember Summerhays seconded the motion.

8:24:33 PM

9.4 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

8:24:44 PM

10.0 Action Item: Resolution #18-13, Authorizing the Mayor to Sign a Telecommunications Franchise Agreement with MCI metro for the Installation of a Fiber Optic in the City's Right-of-Way

8:25:01 PM

10.1 Mike Barker, City Attorney, said MCI is a subsidiary of Verizon that installs fiber optic facilities. He said the agreement complies with the code and they are proposing a ten year franchise agreement. The franchise fee would be 3.5 percent of annual gross receipts which was the maximum allowed under State law.

8:26:03 PM

10.2 Councilmember Summerhays asked what exactly they were talking about. Mr. Barker said they would install fiber optics only, and would use the existing poles. Councilmember Summerhays asked if they gave the City a plan. Mr. Barker said they have not yet received their plan.

8:27:11 PM

10.3 **Councilmember Green moved to approve Resolution #18-13. Councilmember Vawdrey seconded the motion.**

8:27:33 PM

10.4 **A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

8:27:45 PM

11.0 **Action Item: Resolution #18-15, Amending the Street Tree Guide**

8:27:59 PM

11.1 Russ Fox, Assistant City Manager, asked for this item to be continued to allow staff time to review the Tree Guide.

8:28:30 PM

11.2 **Councilmember Weeks moved to continue this item to a date uncertain. Councilmember Vawdrey seconded the motion.**

8:28:53 PM

11.3 **A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.**

8:29:06 PM

12.0 **Action Item: Ordinance #1312, Amending Sections 3-1-180, regarding the Historic Preservation Commission, amending Section 3-1-270 regarding the Emergency Preparedness Committee, and adding Section 3-1-300 creating the Draper City Volunteer Committee**

8:29:30 PM

12.1 Mr. Fox explained the amendment regarding the Historic Preservation Commission and the Emergency Preparedness Committee.

8:32:36 PM

12.2 Councilmember Vawdrey moved to approve Ordinance #1312. Councilmember Summerhays seconded the motion.

8:32:49 PM

12.3 Councilmember Weeks said she was excited about the volunteer committee.

8:33:09 PM

12.4 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

8:33:20 PM

13.0 Council/Manager Reports

8:33:30 PM

13.1 Councilmember Summerhays said when the Police Department was asked to leave their old building he thought they would replace it because it was a steel building. He asked if someone could clarify that situation. He said it was a great idea that the cell phone providers boost their services around Draper. He said he has poor cell reception and would like to have the cell providers install towers that they could not see, in the street lights.

8:36:11 PM

13.2 Councilmember Lowery said there was a donation box at the corner of Vestry and Highland that was blocking the view turning on to Highland. She said that it needed to be relocated.

8:37:00 PM

13.3 Councilmember Green said he wanted to follow up on the traffic study for Minuteman Drive. Mr. Dobbins said they would install a sign to slow traffic.

Councilmember Green asked that they discuss the ugly white building on Traverse Mountain Road. Mayor Walker asked if they should surplus the building in question. Councilmember Green said they need to do something to make it more attractive, and should conduct a study. The Council agreed they should do something with the property.

Councilmember Green said he was concerned about school shootings in the Country. He asked if they could do something with the Police Department to identify vulnerabilities quickly. Police Chief John Eining said CTC was providing prevention and resources. They had programs for kids at risk that identified people with mental health issues. They have reached out to schools to find out their policies and trainings regarding active shooter events. He recommended they form a committee to create a program that would be effective. Councilmember Green said he would like to do this.

Councilmember Weeks asked if they could work with the Canyon School Board and Chief Eining answered affirmatively. He said they should not lose the enthusiasm and always be vigilant about prevention.

Councilmember Summerhays suggested they get the youth involved as well. Councilmember Weeks said they have a variety of schools with different levels of security, and they need to have some type of uniformity. Councilmember Summerhays said he picks up his grandchild from school and he was able to enter into a school that should be locked. He thought that this was the type of mitigation efforts that were needed in order to protect the youth.

8:49:30 PM

13.4 Councilmember Summerhays asked if they were having a retreat this weekend. The Council agreed they were in favor of the retreat. Mayor Walker said the retreat would cost the tax payers \$2,500. The Councilmembers said they were all comfortable with the cost. There was further discussion regarding the value of holding retreats as a time to create solutions.

8:54:29 PM

13.5 Rhett Ogden said they had selected a contractor for Suncrest Park. They will have an open house for public involvement on March 15.

8:55:19 PM

14.0 Adjournment

8:55:20 PM

14.1 Councilmember Summerhays moved to adjourn the meeting. Councilmember Vawdrey seconded the motion.

8:55:24 PM

14.2 A roll call vote was taken with Councilmembers Green, Lowery, Summerhays, Vawdrey, and Weeks voting in favor. The motion passed unanimously.

8:55:27 PM

14.3 The meeting adjourned at 8:55 p.m.